Cr.A No.40/1993

20.11.2007 Present: Mr. D.S. Nainta, Deputy Advocate General, for the appellant.

Respondents-convicts Yash Paul, Gian Chand and Charan Dass, in the custody of ASI Prithvi Singh, HHC Dharam Singh No.628 and Constable Ashok Kumar No.513, Police Post Joghon, Police Station, Nalagarh, District Solan, H.P.

Mr. Jagdish Vats, counsel for the respondents-convicts.

We notice that even though in our judgment dated 2nd November, 2007, we have given a clear finding that the respondents are guilty of the offence of rape, they were charged with, and have also accepted the appeal setting aside the judgment of acquittal, the formal order of conviction is not there. So, we pass the formal order convicting the respondents of an offence punishable under Section 376 IPC.

We have heard the respondents-convicts on the question of quantum of sentence. Their statements have been recorded separately. Their plea is that they all are poor and have minor children and other family members to support, being the sole bread earners of their respective families. This, in our view, is no ground for showing any leniency to the respondents, who have committed a heinous crime of gang rape, even though the charge was only for the offence of rape.

Taking into consideration the facts and the circumstances of the case, we sentence each of the respondents-convicts to undergo rigorous imprisonment for ten years and to pay fine of Rs.5,000/- each, in default of payment of fine to undergo rigorous imprisonment for a further period of one year.

A copy of the judgment be made available to each of the respondents-convicts, free of cost. Warrants committing the respondents-convicts to jail for serving out the sentence be prepared and they be sent to the jail.

(Surjit Singh), J.

November 20, 2007(sd) (Surinder Singh), J.